## **UNOFFICIAL VERSION**

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#### TUESDAY, APRIL 24, 2012

#### SEVENTY-SIXTH LEGISLATIVE DAY

## CALL TO ORDER

The Senate met at 1:00 p.m., and was called to order by Mr. Speaker Ramsey.

## **PRAYER**

The proceedings were opened with prayer by Reverend Justin Collett of College Grove United Methodist Church in College Grove, Tennessee, a guest of Senator Finney.

# PLEDGE OF ALLEGIANCE

Senator Finney led the Senate in the Pledge of Allegiance to the Flag.

## **ROLL CALL**

The roll call was taken with the following results:

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

#### STANDING COMMITTEE REPORTS

#### TRANSPORTATION AND SAFETY

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: House Joint Resolutions Nos. 623 and 713.

TRACY, Chairperson April 24, 2012

The Speaker announced that he had referred House Joint Resolutions Nos. 623 and 713 to the Committee on Calendar.

#### STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3603; Senate Resolution No. 89; and House Joint Resolution No. 744.

YAGER, Chairperson April 24, 2012

The Speaker announced that he had referred Senate Bill No. 3603; Senate Resolution No. 89; and House Joint Resolution No. 744 to the Committee on Calendar.

# FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 3315 with amendment, 3507 with amendment and 3768 with amendments.

MCNALLY, Chairperson April 24, 2012

The Speaker announced that he had referred Senate Bills Nos. 3315 with amendment, 3507 with amendment and 3768 with amendments to the Committee on Calendar.

#### **MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2962, 2982, 2994, 3051, 3124, 3218, 3270, 3870 and 3875** be passed on first consideration, which motion prevailed.

## HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2962** -- Criminal Procedure -- As introduced, specifies that when a court orders a defendant charged with a misdemeanor to be evaluated for insanity or mental illness, the court shall also order the evaluation to be complete within 15 days from the time the professional evaluator receives the court order. Amends TCA Title 33, Chapter 7, Part 3.

**House Bill No. 2982** -- Judgments -- As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. Amends TCA Title 47.

**House Bill No. 2994** -- Education -- As introduced, establishes a four-year parental involvement pilot program in the achievement school district. Amends TCA Title 49.

**House Bill No. 3051** -- Clerks, Court -- As introduced, authorizes clerks with electronic filing systems to charge \$120 for each registered user of the system and to institute an 8-cent per page copy transaction fee. Amends TCA Section 8-21-401.

**House Bill No. 3124** -- Civil Procedure -- As introduced, removes judicial discretion to apportion costs and permits recovery of certain litigation costs by the successful party on motions to dismiss. Amends TCA Title 20; Title 25; Title 27 and Title 29.

**House Bill No. 3218** -- Fines and Penalties -- As introduced, requires person who pleads guilty to offense of reckless driving or reckless endangerment where the originally charged offense is DUI to pay fine from within the same range as first offense DUI fine. Amends TCA Title 39 and Title 55.

**House Bill No. 3270** -- Libraries -- As introduced, authorizes a city in a county not participating in a region to join the state regional system as related to state purchasing contracts with approval by the secretary of state. Amends TCA Title 10, Chapter 5.

**House Bill No. 3870** -- Atoka -- As introduced, subject to local approval, revises the town charter. Amends Chapter 373 of the Private Acts of 1911; as amended.

**House Bill No. 3875** -- Washington County -- As introduced, creates a new general sessions court and county attorney position for Washington County.

#### **MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 871, 873** through 877, 879 through 885 and 887 through 898; and **Senate Resolutions Nos. 123** through 126 be passed on first consideration and lie over, which motion prevailed.

# INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 871** by Senator Gresham. Memorials, Death -- Dr. Johnny Bates.

Senate Joint Resolution No. 873 by Senator Beavers.

Memorials, Recognition -- Commemorates dedication of Heritage Peace Garden on grounds of Pickett Chapel in Lebanon.

**Senate Joint Resolution No. 874** by Senator Beavers.

Memorials, Professional Achievement -- Debra Martin, Wilson County Teacher of the Year.

**Senate Joint Resolution No. 875** by Senator Beavers.

Memorials, Academic Achievement -- Nick Friddell, Salutatorian, Heritage Christian Academy.

**Senate Joint Resolution No. 876** by Senator Beavers.

Memorials, Academic Achievement -- Mitchell White, Valedictorian, Heritage Christian Academy.

Senate Joint Resolution No. 877 by Senator Bell.

Memorials, Interns -- Randi Perry.

Senate Joint Resolution No. 879 by Senator Herron.

Memorials, Sports -- Dresden High School football team, 2011 Division I Class 2A Finalists.

**Senate Joint Resolution No. 880** by Senator Finney.

Memorials, Death -- Jeremy Ryan Hill.

Senate Joint Resolution No. 881 by Senator Finney.

Memorials, Death -- Lola Mae Blurton.

Senate Joint Resolution No. 882 by Senator Finney.

Memorials, Death -- Teresa Ann Holman Layne.

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# Senate Joint Resolution No. 883 by Senator Finney.

Memorials, Death -- Dwayne Hill.

# Senate Joint Resolution No. 884 by Senator Finney.

Memorials, Recognition -- Liberty High School Air Force Junior Reserve Officers Training Corps Program.

# Senate Joint Resolution No. 885 by Senator Harper.

Memorials, Recognition -- Tennessee State University, Centennial Celebration.

## Senate Joint Resolution No. 887 by Senator Kyle.

Memorials, Interns -- Allison Otting.

# Senate Joint Resolution No. 888 by Senator Barnes.

Memorials, Recognition -- Deliverance Outreach Temple Church, 20th anniversary.

# Senate Joint Resolution No. 889 by Senator Gresham.

Memorials, Death -- Dr. Jaime Virata Mangubat.

# Senate Joint Resolution No. 890 by Senator Gresham.

Memorials, Academic Achievement -- SharDarius L. Gatlin, 2012 Stan and Thelma Plumlee Scholarship.

## **Senate Joint Resolution No. 891** by Senator Overbey.

Memorials, Recognition -- Appalachian Ballet Company, 40th anniversary.

#### **Senate Joint Resolution No. 892** by Senator Overbey.

Memorials, Interns -- Morgan Kinney.

## Senate Joint Resolution No. 893 by Senators Overbey, Herron, Faulk and Yager.

Naming and Designating -- Designates the Cumberland Ballroom of the DoubleTree Nashville Hotel the Honorary State Capitol for the 43rd General Assembly of the Tennessee Intercollegiate State Legislature.

## **Senate Joint Resolution No. 894** by Senator Johnson.

Memorials, Recognition -- Historic Shorter Chapel African Methodist Episcopal Church, 144th anniversary.

## Senate Joint Resolution No. 895 by Senator Southerland.

Memorials, Public Service -- Dr. Dale Lynch, Director of Schools, Hamblen County.

#### Senate Joint Resolution No. 896 by Senator Herron.

Memorials, Interns -- Jennifer Kay Pinho.

#### **Senate Joint Resolution No. 897** by Senator Finney.

Memorials, Recognition -- Pat Summitt, Presidential Medal of Freedom.

## Senate Joint Resolution No. 898 by Senators Ford and Kyle.

General Assembly, Statement of Intent or Position -- Commends President Obama for selecting Pat Summitt as recipient of Presidential Medal of Freedom.

Senate Resolution No. 123 by Senator Norris.

Memorials, Interns -- Samantha Meyer.

**Senate Resolution No. 124** by Senator Harper.

Memorials, Recognition -- African Methodist Episcopal Church, 49th Quadrennial Session of the General Conference.

**Senate Resolution No. 125** by Senator Harper.

Memorials, Interns -- Daniel Tillman.

**Senate Resolution No. 126** by Senators Watson and Berke.

Memorials, Academic Achievement -- Adam Joseph Stark, Salutatorian, Signal Mountain High School.

#### **MOTION**

Senator Norris moved, pursuant to Rule 21, House Joint Resolutions Nos. 617, 807, 890, 936, 988 through 994, 1003 through 1016 and 1018 through 1054; Senate Joint Resolution No. 870; and Senate Resolution No. 122 lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

# **RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 617** -- General Assembly, Statement of Intent or Position -- Expresses opposition to U.S. Army Corps of Engineers proposed water usage fees.

The Speaker announced that he had referred House Joint Resolution No. 617 to the Committee on Energy and Environment.

**House Joint Resolution No. 807** -- General Assembly, Statement of Intent or Position -- Opposes the location of a proposed rock quarry in Sumner County.

The Speaker announced that he had referred House Joint Resolution No. 807 to the Committee on Energy and Environment.

**House Joint Resolution No. 890** -- Memorials, Public Service -- Representative Gary W. Moore, Sr.

The Speaker announced that he had referred House Joint Resolution No. 890 to the Committee on Calendar.

**House Joint Resolution No. 936** -- Memorials, Public Service -- Representative Frank Niceley.

The Speaker announced that he had referred House Joint Resolution No. 936 to the Committee on Calendar.

**House Joint Resolution No. 988** -- Memorials, Professional Achievement -- Joe L. Rodgers, 66th President of Tennessee Road Builders Association.

The Speaker announced that he had referred House Joint Resolution No. 988 to the Committee on Calendar.

House Joint Resolution No. 989 -- Memorials, Interns -- Hannah Lee Zeitlin.

The Speaker announced that he had referred House Joint Resolution No. 989 to the Committee on Calendar.

House Joint Resolution No. 990 -- Memorials, Interns -- Samuel O'Rourke.

The Speaker announced that he had referred House Joint Resolution No. 990 to the Committee on Calendar.

House Joint Resolution No. 991 -- Memorials, Interns -- Mary Katherine "Katye" Brown.

The Speaker announced that he had referred House Joint Resolution No. 991 to the Committee on Calendar.

House Joint Resolution No. 992 -- Memorials, Interns -- Holly Renae Morgan.

The Speaker announced that he had referred House Joint Resolution No. 992 to the Committee on Calendar.

House Joint Resolution No. 993 -- Memorials, Retirement -- Sally Swaney.

The Speaker announced that he had referred House Joint Resolution No. 993 to the Committee on Calendar.

**House Joint Resolution No. 994** -- Memorials, Recognition -- Gallatin Lions Club, 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 994 to the Committee on Calendar.

House Joint Resolution No. 1003 -- Memorials, Recognition -- Charles G. "Bones" Seviers.

The Speaker announced that he had referred House Joint Resolution No. 1003 to the Committee on Calendar.

**House Joint Resolution No. 1004** -- Memorials, Academic Achievement -- Adam Nicholas Edwards, Valedictorian, Jo Byrns High School.

The Speaker announced that he had referred House Joint Resolution No. 1004 to the Committee on Calendar.

**House Joint Resolution No. 1005** -- Memorials, Academic Achievement -- Gabriel Kellar Castro, Salutatorian, Jo Byrns High School.

The Speaker announced that he had referred House Joint Resolution No. 1005 to the Committee on Calendar.

**House Joint Resolution No. 1006** -- Memorials, Academic Achievement -- James Dukes, Valedictorian, White House Heritage High School.

The Speaker announced that he had referred House Joint Resolution No. 1006 to the Committee on Calendar.

**House Joint Resolution No. 1007** -- Memorials, Academic Achievement -- Bailey Mannis, Salutatorian, White House Heritage High School.

The Speaker announced that he had referred House Joint Resolution No. 1007 to the Committee on Calendar.

**House Joint Resolution No. 1008** -- Memorials, Academic Achievement -- Brandi Drexler, Valedictorian, Springfield High School

The Speaker announced that he had referred House Joint Resolution No. 1008 to the Committee on Calendar.

**House Joint Resolution No. 1009** -- Memorials, Academic Achievement -- Jana Plant, Salutatorian, Springfield High School.

The Speaker announced that he had referred House Joint Resolution No. 1009 to the Committee on Calendar.

**House Joint Resolution No. 1010** -- Memorials, Academic Achievement -- Victoria Fagan, Valedictorian, Christian Community High School.

The Speaker announced that he had referred House Joint Resolution No. 1010 to the Committee on Calendar.

**House Joint Resolution No. 1011** -- Memorials, Academic Achievement -- Ashley Jackson, Salutatorian, Christian Community High School.

The Speaker announced that he had referred House Joint Resolution No. 1011 to the Committee on Calendar.

**House Joint Resolution No. 1012** -- Memorials, Academic Achievement -- Austin R. Jenkins, Valedictorian, Greenbrier High School.

The Speaker announced that he had referred House Joint Resolution No. 1012 to the Committee on Calendar.

**House Joint Resolution No. 1013** -- Memorials, Academic Achievement -- David P. Williams, Salutatorian, Greenbrier High School.

The Speaker announced that he had referred House Joint Resolution No. 1013 to the Committee on Calendar.

**House Joint Resolution No. 1014** -- Memorials, Academic Achievement -- Taylor Marie Moore, Valedictorian, South Haven Christian School.

The Speaker announced that he had referred House Joint Resolution No. 1014 to the Committee on Calendar.

**House Joint Resolution No. 1015** -- Memorials, Academic Achievement -- Hannah Brooke Keith, Valedictorian, South Haven Christian School.

The Speaker announced that he had referred House Joint Resolution No. 1015 to the Committee on Calendar.

**House Joint Resolution No. 1016** -- Memorials, Academic Achievement -- Joseph Louie Florendo, Salutatorian, South Haven Christian School.

The Speaker announced that he had referred House Joint Resolution No. 1016 to the Committee on Calendar.

**House Joint Resolution No. 1018** -- Memorials, Academic Achievement -- Alison Nicole Wheatley, Valedictorian, Creek Wood High School.

The Speaker announced that he had referred House Joint Resolution No. 1018 to the Committee on Calendar.

**House Joint Resolution No. 1019** -- Memorials, Academic Achievement -- Easton Stone Dawson, Salutatorian, Creek Wood High School.

The Speaker announced that he had referred House Joint Resolution No. 1019 to the Committee on Calendar.

**House Joint Resolution No. 1020** -- Memorials, Professional Achievement -- Jake Stansell, 67th President of the Tennessee Road Builders Association.

The Speaker announced that he had referred House Joint Resolution No. 1020 to the Committee on Calendar.

**House Joint Resolution No. 1021** -- Memorials, Recognition -- Polk County High School, Future Business Leaders of America competition.

The Speaker announced that he had referred House Joint Resolution No. 1021 to the Committee on Calendar.

**House Joint Resolution No. 1022** -- Memorials, Academic Achievement -- Kenneth Brown, Salutatorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1022 to the Committee on Calendar.

**House Joint Resolution No. 1023** -- Memorials, Academic Achievement -- Robert Hibbett, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1023 to the Committee on Calendar.

**House Joint Resolution No. 1024** -- Memorials, Academic Achievement -- Perry Belcher, Valedictorian, Wilson Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1024 to the Committee on Calendar.

**House Joint Resolution No. 1025** -- Memorials, Academic Achievement -- Zach Pollock, Salutatorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1025 to the Committee on Calendar.

**House Joint Resolution No. 1026** -- Memorials, Academic Achievement -- Phillip Andrew Lundy, Jr., Valedictorian, Mt. Juliet Christian School.

The Speaker announced that he had referred House Joint Resolution No. 1026 to the Committee on Calendar.

**House Joint Resolution No. 1027** -- Memorials, Academic Achievement -- Ashley Johnson, Valedictorian, Kirby High School.

The Speaker announced that he had referred House Joint Resolution No. 1027 to the Committee on Calendar.

**House Joint Resolution No. 1028** -- Memorials, Academic Achievement -- Bri'Anna Olivia Tate, Valedictorian, Westwood High School.

The Speaker announced that he had referred House Joint Resolution No. 1028 to the Committee on Calendar.

**House Joint Resolution No. 1029** -- Memorials, Academic Achievement -- Brandi Wells, Valedictorian, Fairley High School.

The Speaker announced that he had referred House Joint Resolution No. 1029 to the Committee on Calendar.

**House Joint Resolution No. 1030** -- Memorials, Academic Achievement -- Alexis Harper, Valedictorian, Mitchell High School.

The Speaker announced that he had referred House Joint Resolution No. 1030 to the Committee on Calendar.

**House Joint Resolution No. 1031** -- Memorials, Academic Achievement -- Jaundra T. Clark, Salutatorian, Fairley High School.

The Speaker announced that he had referred House Joint Resolution No. 1031 to the Committee on Calendar.

**House Joint Resolution No. 1032** -- Memorials, Academic Achievement -- Stephanie Jordan, Salutatorian, Mitchell High School.

The Speaker announced that he had referred House Joint Resolution No. 1032 to the Committee on Calendar.

**House Joint Resolution No. 1033** -- Memorials, Academic Achievement -- Enrique Deon Smith, Salutatorian, Westwood High School.

The Speaker announced that he had referred House Joint Resolution No. 1033 to the Committee on Calendar.

**House Joint Resolution No. 1034** -- Memorials, Academic Achievement -- Melvin Rucker, Salutatorian, Kirby High School.

The Speaker announced that he had referred House Joint Resolution No. 1034 to the Committee on Calendar.

**House Joint Resolution No. 1035** -- Memorials, Academic Achievement -- Kristen Nicole Black, Valedictorian, East Hickman High School.

The Speaker announced that he had referred House Joint Resolution No. 1035 to the Committee on Calendar.

**House Joint Resolution No. 1036** -- Memorials, Academic Achievement -- Chelsea Marlin, Salutatorian, East Hickman High School.

The Speaker announced that he had referred House Joint Resolution No. 1036 to the Committee on Calendar.

**House Joint Resolution No. 1037** -- Memorials, Academic Achievement -- Lucas Ryne Hilliard, Valedictorian, White House High School.

The Speaker announced that he had referred House Joint Resolution No. 1037 to the Committee on Calendar.

**House Joint Resolution No. 1038** -- Memorials, Academic Achievement -- Kindle Shea Williams, Valedictorian, White House High School.

The Speaker announced that he had referred House Joint Resolution No. 1038 to the Committee on Calendar.

**House Joint Resolution No. 1039** -- Memorials, Academic Achievement -- Carly Marie Dickson, Valedictorian, White House High School.

The Speaker announced that he had referred House Joint Resolution No. 1039 to the Committee on Calendar.

**House Joint Resolution No. 1040** -- Memorials, Academic Achievement -- Heather Richardson, Valedictorian, Clinch School.

The Speaker announced that he had referred House Joint Resolution No. 1040 to the Committee on Calendar.

**House Joint Resolution No. 1041** -- Memorials, Academic Achievement -- Stephen Dylan Seal, Salutatorian, Clinch School.

The Speaker announced that he had referred House Joint Resolution No. 1041 to the Committee on Calendar.

House Joint Resolution No. 1042 -- Memorials, Retirement -- Michael T. Harris.

The Speaker announced that he had referred House Joint Resolution No. 1042 to the Committee on Calendar.

House Joint Resolution No. 1043 -- Memorials, Interns -- Alison Marie Bright.

The Speaker announced that he had referred House Joint Resolution No. 1043 to the Committee on Calendar.

House Joint Resolution No. 1044 -- Memorials, Interns -- Christopher A. Moore.

The Speaker announced that he had referred House Joint Resolution No. 1044 to the Committee on Calendar.

**House Joint Resolution No. 1045** -- Memorials, Academic Achievement -- Cody Atkinson, Nestle Waters "Every Drop Counts" Scholarship Award Winner, Lewis County High School.

The Speaker announced that he had referred House Joint Resolution No. 1045 to the Committee on Calendar.

**House Joint Resolution No. 1046** -- Memorials, Academic Achievement -- Jessie Erin Richards, Valedictorian, East Robertson High School.

The Speaker announced that he had referred House Joint Resolution No. 1046 to the Committee on Calendar.

**House Joint Resolution No. 1047** -- Memorials, Academic Achievement -- Audrey Elizabeth Blanton, Salutatorian, East Robertson High School.

The Speaker announced that he had referred House Joint Resolution No. 1047 to the Committee on Calendar.

**House Joint Resolution No. 1048** -- Memorials, Recognition -- Youth Leadership Robertson County, Class of 2012.

The Speaker announced that he had referred House Joint Resolution No. 1048 to the Committee on Calendar.

**House Joint Resolution No. 1049** -- Memorials, Recognition -- Leadership Robertson County, Class of 2012.

The Speaker announced that he had referred House Joint Resolution No. 1049 to the Committee on Calendar.

**House Joint Resolution No. 1050** -- Memorials, Public Service -- Harry Gill, Jr., Rutherford County Director of Schools.

The Speaker announced that he had referred House Joint Resolution No. 1050 to the Committee on Calendar.

**House Joint Resolution No. 1051** -- Memorials, Professional Achievement -- Meah King, Milken Educator Award.

The Speaker announced that he had referred House Joint Resolution No. 1051 to the Committee on Calendar.

House Joint Resolution No. 1052 -- Memorials, Recognition -- Diana Ross.

The Speaker announced that he had referred House Joint Resolution No. 1052 to the Committee on Calendar.

**House Joint Resolution No. 1053** -- Memorials, Recognition -- Leadership Middle Tennessee, Class of 2012.

The Speaker announced that he had referred House Joint Resolution No. 1053 to the Committee on Calendar.

**House Joint Resolution No. 1054** -- Memorials, Recognition -- S&S Whole Sale Tire of Knoxville, 25th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1054 to the Committee on Calendar.

Senate Joint Resolution No. 870 -- Memorials, Retirement -- Dr. Donald L. Hopper.

The Speaker announced that he had referred Senate Joint Resolution No. 870 to the Committee on Calendar.

**Senate Resolution No. 122** -- Memorials, Death -- Lonnie Jerome Emanus.

The Speaker announced that he had referred Senate Resolution No. 122 to the Committee on Calendar.

#### **NOTICES**

# COMMITTEE ON CALENDAR'S THIRD REPORT ON QUALIFIED ANNUAL EVENTS FOR 2011-2012

Pursuant to Rule 76(1), the report was received and filed with the Clerk.

# COMMITTEE ON CALENDAR'S SECOND REPORT ON QUALIFIED ANNUAL EVENTS FOR 2012-2013

Pursuant to Rule 76(1), the report was received and filed with the Clerk.

#### **MESSAGE FROM THE HOUSE**

April 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2156, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD, Chief Clerk.

## **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2370, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2776, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD, Chief Clerk.

# MESSAGE FROM THE HOUSE

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3655, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD, Chief Clerk.

## **MESSAGE FROM THE HOUSE**

April 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3663, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD, Chief Clerk.

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## MESSAGE FROM THE HOUSE

April 23, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1105. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives McCormick, Montgomery and Parkinson to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1105.

JOE MCCORD, Chief Clerk.

# LOCAL BILL CONSENT CALENDAR

**Senate Bill No. 3800** -- Atoka -- As introduced, subject to local approval, revises the town charter. Amends Chapter 373 of the Private Acts of 1911; as amended.

On motion, Senate Bill No. 3800 was made to conform with House Bill No. 3870.

On motion, House Bill No. 3870, on same subject, was substituted for Senate Bill No. 3800.

**Senate Bill No. 3804** -- Washington County -- As introduced, creates a new general sessions court and county attorney position for Washington County.

On motion, Senate Bill No. 3804 was made to conform with House Bill No. 3875.

On motion, House Bill No. 3875, on same subject, was substituted for Senate Bill No. 3804.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

#### CALENDAR NO. 1

Senator Watson moved that **Senate Bill No. 233** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

#### **MOTION**

Senator Roberts moved that **Senate Bill No. 3808** be considered next, out of order, which motion prevailed.

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## CALENDAR NO. 2

**Senate Bill No. 3808** -- Sumner County -- As introduced, subject to local approval, creates the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012"; repeals Chapter 113 of the Private Acts of 2002, in certain circumstances.

Senator Roberts moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012." It shall also be referenced as the "2012 Finance Act."

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "Board of Education" means the elected body that governs the County School System;
- (2) "Budget Committee" means the separate committee created for the operation by the County of the annual budget process as well as the monthly expenditure of funds;
  - (3) "The Committee" means the 2012 Finance Committee;
- (4) "County" or "Organization" means and includes the County and the school system;
- (5) "Earning records" means detailed records of all time worked, leave taken, and all leave balances maintained on a real-time basis exclusively by a comprehensive time and attendance system, which shall be used by all agencies of the County. This application must be fully integrated into the ERP and automated to the utmost extent technologically possible and shall comply with all wage and hour rules or regulations;
- (6) "Enterprise Resource Planning" or "ERP" means a system which integrates internal and external management information across an entire organization, embracing finance/accounting and all other departmental information and relationships. ERP systems automate this activity with an integrated software application. Its purpose is to facilitate the flow of information between all business functions inside the boundaries of the organization and manage the connections to outside stakeholders:
  - (7) "Finance Department" means the County Finance Department;
- (8) "Finance Director" or "County Finance Director" means the Director of the Finance Department;

- (9) "School Finance Director" means the Sumner County School Department employee chosen by the Sumner County School Department to perform functions specified by this act;
- (10) "Policy Subcommittee" means the Policy Subcommittee created pursuant to Section 3(a);
- (11) "Standing Committee" means a committee created by the County Legislative Body that shall continue until the County Legislative Body takes action to abolish such committee;
- (12) "School System" means the County School System created or authorized by the general assembly of the State of Tennessee;
- (13) "Capital asset" means land, improvements to land, easements, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all tangible or intangible assets that are used in operations and that have initial useful lives extending beyond the fiscal year;
- (14) "Office Holders" means the County sheriff and all County officials designated as general officers in Section 8-24-102 (a);
- (15) "Purchase" means the purchase, lease, lease-purchase, or contract for procurement of personal property or services or any combination thereof; and
- (16) "State of Tennessee's Division of Local Government Audit" means the State of Tennessee's Division of Local Government Audit or any other State of Tennessee agency subsequently created to perform that division's current functions.
- SECTION 3. 2012 Finance Act Committees or Subcommittees. Within sixty (60) days of the passage of this 2012 Finance Act, the following 2012 Finance Act Committees or Subcommittees shall be created:
  - (a) A four (4) member Policy Subcommittee.
  - (1) The Policy Subcommittee to be composed of four (4) voting members as follows:
    - (A) County Executive;
    - (B) County Finance Director;
    - (C) Director of Schools; and
    - (D) School Finance Director.
    - (2) This Policy Subcommittee shall:
    - (A) Draft, develop and propose policies, procedures and regulations for the initial implementation of this act;

- (B) Plan and recommend the initial policies and procedures of the enterprise resource planning system;
- (C) Plan and recommend an accounting system in conformity with nationally recognized standards for governmental accounting as approved by the comptroller of the treasury for all funds of the various departments, agencies and boards that are operated through the County Trustee;
- (D) Design and suggest an implementation plan for the implementation of the act;
- (E) Where appropriate, recommend policies and procedures for purchases; and
- (F) After implementation, meet only when necessary to address new matters or necessary changes in policies and procedures for the 2012 Finance Committee created pursuant to subsection (b).
- (3) The Policy Subcommittee shall be advised by the legal counsel of the County Legislative Body and the School Board.
- (b) A seven (7) member 2012 Finance Committee.
- (1) The 2012 Finance Committee shall consist of the County Executive, Supervisor of Highways, Director of Schools, and four (4) members elected by the County Legislative Body at its regular September session of each year or at any subsequent session, provided that the four (4) members elected by the County Legislative Body need not be members of the County Legislative Body.
- (2) The 2012 Finance Committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.
- (3) The 2012 Finance Committee shall adopt policies, procedures and regulations for the initial implementation of this act proposed by the Policy Subcommittee.
- (4) Upon approval of this 2012 Finance Act, the 2012 Finance Committee shall direct the County Finance Director to implement, carry out and oversee the policies and procedures created pursuant to this act. Such policies and procedures shall include budgeting, accounting, purchasing, payroll, cash management and such other financial matters necessary for an efficient financial system.
- (5) The 2012 Finance Committee shall recommend policies and procedures for cash management and investment of idle cash funds as prescribed by law. Such recommendations shall be approved by majority vote of the County Legislative Body.

- (c) A seven (7) member Budget Committee.
- (1) The Budget Committee shall consist of seven (7) members of the County Legislative Body elected by the County Legislative Body at its regular September session of each year or at any subsequent session.
- (2) The Budget Committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.
  - (3) This Budget Committee shall:
  - (A) Establish and approve policies, forms and documents, procedures and regulations necessary for the preparation of the annual operating and capital improvement budgets;
  - (B) Study funding requests and recommendations as received from other Standing Committees; consider the fiscal impact of any resolution presented to the Budget Committee; and report its finding to the Legislative Body;
    - (C) Recommend to the Legislative Body a proposed Tax Rate;
    - (D) Approve budget transfers; and
  - (E) Provide general oversight of the County's Self-Insurance activities.
- SECTION 4. Finance Director. The County Executive shall recommend the appointment of the Finance Director subject to ratification by the County Legislative Body.
  - (1) The County Legislative Body, with a thirty (30) day notice, may dismiss the Finance Director with a 2/3 majority vote, subject to any approved agreements to the contrary.
  - (2) The Finance Director shall, for all purposes, be an employee of the County.
  - (3) The Finance Director shall be a Certified Public Accountant with an active license in Tennessee and shall have a minimum of five years of experience with local governments in the field of accounting and/or auditing.
  - (4) The compensation of the Finance Director shall be established by the County Legislative Body.
  - SECTION 5. Assistant Finance Director.
  - (a) A person employed by the Finance Department shall be recommended by the Finance Director and approved by the 2012 Finance Committee to serve as the Assistant Finance Director.

- (b) The Assistant Finance Director shall have a minimum of a Bachelor of Science or Business Administration degree from an accredited college or university. Such person shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting.
- (c) The person employed for this position shall perform such duties and responsibilities as assigned by the Finance Director.
- (d) In the absence of the Finance Director, the Assistant Finance Director shall perform the duties of the Finance Director necessary for the continued operation of the Finance Department.

#### SECTION 6. Director's Bond.

- (a) The Finance Director shall execute a blanket bond in an amount of not less than one hundred thousand dollars (\$100,000) for the faithful performance of the Finance Director's and the department employees' duties in accordance with the general law for such bonds.
- (b) The cost of such bond shall be paid from funds appropriated to the Finance Department for such purpose.
- (c) The amount of such bond may be increased subject to the approval of the 2012 Finance Committee and additional appropriations by the County Legislative Body.
- (d) The bond shall be prepared, recorded and transmitted in accordance with state law.
- SECTION 7. Integrated Financial Management and Enterprise Resource Planning System.
  - (a) There is hereby created an integrated financial system for the various departments, agencies and boards that are operated through the County Trustee.
  - (b) Such system shall include budgeting, accounting, purchasing, payroll, cash management, human resources, and such other financial matters necessary for an efficient financial system.

#### (c) Such system shall have:

- (1) A common platform for all enterprise resource planning activities for all departments, agencies, commissions, boards, divisions or offices;
- (2) Real-time operations and complete integration of all related systems and/or subsystems; and
- (3) The accounting system, which shall have real-time access to all documents necessary through the enterprise resource planning system:

- (A) For the annual audit with the State of Tennessee's Division of Local Government Audit or any necessary agreed upon procedures to be performed by a Certified Public Accountant with an active license in Tennessee; procedures will be considered necessary if requested by the State of Tennessee's Division of Local Government Audit;
- (B) For preparation of financial statements in compliance with accounting principles generally accepted in the United States of America:
  - (C) To support any amount in the approved budgets;
  - (D) To support any item in the fund financial statements;
- (E) To support all necessary documentation for the preparation of Government-Wide Financial Statements:
- (F) To support all capital assets balances and transactions by maintaining records of capital assets of the County in accordance with accounting principles generally accepted in the United States of America;
- (G) All necessary documentation for the proficient accounting of grants; and
- (H) To support any amount necessary for payroll, including taxes and earning records.
- (d) The school system Human Resource Department shall be under the control of the Director of Schools but shall be integrated into the enterprise resource planning system.
- (e) The school system's budgets shall be under the control of the Sumner County School Board, but all aspects shall be integrated into the enterprise resource planning system.
- (f) The enterprise resource planning system provided for in this section shall at all times maintain a comprehensive set of internal controls.

# SECTION 8. Accounting System.

- (a) By this 2012 Finance Act, there is hereby created an accounting system for all funds of the various departments, agencies and boards that are operated through the County Trustee.
  - (1) There shall be set up and maintained in the office of the Finance Director a system of accounting, set out and described in this section, which shall be managed by and be under the administrative control of the Finance Director.
  - (2) The accounting system shall be an integral part of the enterprise resource planning system.

- (3) The Finance Director shall be responsible for the implementation of the policies of the 2012 Finance Committee or such special committees established by the County Legislative Body.
- (4) The accounting system provided for in this section shall conform to accounting principles generally accepted in the United States of America.
- (5) The accounting system shall comply with the rules and regulations established by the Comptroller of the Treasury, the Commissioner of Education and state law.
- (6) The accounting system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, revenues and expenditures of each fund, together with such records, accounts and files as are necessary to record:
  - (A) The transactions relating to revenues, and the revenues for each of its several funds;
  - (B) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
    - (C) The transactions relating to debt;
  - (D) All financial transactions for all grants awarded to the County;
  - (E) All necessary documentation to prepare Government-Wide Financial Statements in accordance with accounting principles generally accepted in the United States of America;
  - (F) Such other records as may be necessary to facilitate the recording of the adopted budgets and the proper accounting for each item of expenditure; and
  - (G) Any and all of the records may be maintained solely in electronic format, unless otherwise prohibited.
- (b) This 2012 Finance Act shall not be construed as authority over the fee and commission accounts or the accounts of office holders.
- (c) This 2012 Finance Act shall not be construed as authority over personnel policies or procedures or salaries of the various County offices or departments, except with respect to requiring necessary recordkeeping and reporting needed for performing the payroll functions as prescribed by the 2012 Finance Committee.
- (d) All employees performing the functions of payroll, accounts payable, cash management, and financial reporting in the various operating departments shall be supervised and managed by the Finance Director notwithstanding any other law to

the contrary. All such employees shall be budgeted and paid through the Finance Department. Such necessary changes will be detailed in and made in accordance with the approved implementation plan.

SECTION 9. County Finance Director's Accounting Duties. It is the duty of the County Finance Director, through the County's accounting system, to perform the following duties:

## (1) General:

- (A) Post and otherwise keep the records of the accounting system;
- (B) Install, with the approval of the Comptroller of the Treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting respecting all funds, offices, agencies and activities of the County government;
- (C) To consult with the School Finance Director to verify that the classification of all expenditures and revenues of the County school department's funds conform to the appropriate County's Uniform Chart of Accounts:
- (D) Set up and maintain an accounting system for recording the transactions of all of the funds, including both proprietary and budgetary accounts, in conformity with accounting principles generally accepted in the United States of America;
- (E) Set up the necessary accounts to properly record the annual budget and each appropriation made by the County Legislative Body; and
- (F) Confirm that all encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

## (2) Receipt of funds.

- (A) Except for taxes which are to be collected by the Trustee, the payment of all monies to the County by any collectors authorized by statute or by anyone on account due the County shall be made only by issuance of a receipt or receivable warrant through the Finance Department instructing the Trustee to receive the amount named, for which the Trustee shall issue a receipt.
- (B) The Finance Department's receipt or receivable warrant shall directly post to the County's accounting records.

## (3) Disbursement of funds.

(A) The County shall use a checking system instead of warrants for the disbursement of funds. The checking system shall be installed and maintained by the Finance Director in accordance with the provisions of Section 5-8-210.

- (B) All checks on County funds held by the County Trustee shall be signed by the Finance Director and the following person(s) as indicated:
  - (1) Chairman of the Board of Education and the Director of Schools for disbursements from school funds;
  - (2) Chief Administrative Officer of the County Highway Department for disbursements from highway funds;
  - (3) County Executive for all other disbursements of County funds.
- (C) All signatures required on County checks may be executed by methods other than personal signature if such methods are approved by the person authorized to sign, the 2012 Finance Committee, and the Comptroller of the Treasury.
- (D) The Finance Director may cause checks to be signed and or delivered by electronic means, or funds electronically transferred from County bank accounts, upon approval of the 2012 Finance Committee and the Comptroller of the Treasury.
- (E) Subject to the availability of funds, the Finance Director shall not refuse to sign checks presented for his or her signature if proper appropriation of funds and documentation for the disbursement has been made in accordance with this act.
- (F) The Finance Department shall keep a copy of all checks signed by the Finance Director alone and as co-signer.
- (G) Before any obligation shall be paid, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service and authorization of payment should be approved by the head of an office, department or agency for which the obligation was made and be filed with the Finance Director.
- (H) After careful pre-audit of invoices, bills and claims against the County or any of its funds, disbursements shall be prepared.
- (I) Expenditures incurred in accordance with authorized appropriations shall be paid promptly in order that the County may obtain the benefit of cash discounts.
- (J) Payroll disbursements shall be based upon documentation furnished to the Finance Department and certified by all heads of departments, offices, and agencies of the County for themselves and their employees establishing the employment relationship and all relevant information required by the Finance Director to determine proper payment, withholding of income for taxes and other purposes, benefits, leave status or other information relevant to the County's financial relationship to the employee.

# (4) Financial Reporting.

- (A) At the end of each month, the Finance Director shall prepare a comprehensive report of all revenues and expenditures of each of its several funds, departments, offices, agencies and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. Such report shall show:
  - (1) For each item of appropriation or allotment thereof, the total expenditures for the month and year to date, the amount of outstanding encumbrances, and the amount of the unencumbered balance; and
  - (2) For each fund, an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and year to date, and the unrealized portion of the estimate.
- (B) The most recent of such reports shall be available on the County's Web site and/or other electronic media as specified by the 2012 Finance Committee.
- (C) Each department head, elected official and board member shall be furnished, in electronic format or by other means specified by the 2012 Finance Committee, copies of monthly reports for the respective departments as soon as the same are available.

SECTION 10. School Finance Director's Accounting Duties. It is the duty of the School Finance Director, through the County's accounting system, to perform the following duties:

- (a) To verify that all requests for expenditures are appropriately classified based on County's Uniform Chart of Accounts.
- (b) Verify that all transactions have been duly authorized before forwarding them to the Finance Department for recognition in the accounting system.
- (c) Verify that all account classifications are consistent between the budget approved by the Sumner County Board of Education and the operations of said fund.
- (d) Verify that all activities related to each of Sumner County School Department's grants are accurately reported.

# SECTION 11. Purchasing Agent.

(a) The Finance Director or a deputy appointed by the Finance Director may serve as a purchasing agent for the County and shall assist the Policy Subcommittee in developing policies and procedures for implementing an economical and efficient purchasing system.

- (b) The 2012 Finance Committee shall adopt the policies and procedures for purchasing and acquisitions in the County as provided for in this 2012 Finance Act.
- (c) The School System shall be authorized to perform any purchasing functions which shall aid the County. Said purchases shall be made pursuant to this 2012 Finance Act.
- (d) Notwithstanding subsections (a) through (c) of this section, this 2012 Finance Act shall not serve as authorization to remove any purchasing activities or authority from the School System.

SECTION 12. Purchasing System. The purchasing system for the County shall be an integral part of the enterprise resource planning system and shall provide for a set of comprehensive internal controls. These comprehensive internal controls shall ensure the following:

- (1) All purchases shall comply with general law;
- (2) All budgets shall be timely encumbered for all necessary purchases; and
- (3) All necessary documentation shall be electronically maintained on the ERP.

SECTION 13. Bidding.

- (a) The dollar limitation, for when formal competitive bids are required, shall be the amount as authorized by state law, for the highway department, education department, or other departments or agencies.
- (b) In accordance with Tennessee Code Annotated, Section 12-3-1001, the County may purchase any authorized item from the Department of General Services without public advertisement or competitive bidding.
- (c) The County may purchase any item authorized by federal law or regulations through the federal General Services Administration (GSA) without public advertisement or competitive bidding.
- (d) The County may cooperatively purchase with any Tennessee county or school system without public advertisement or competitive bidding, if the lead purchasing entity complied with its own purchasing requirements and general state law governing cooperative purchases. Such purchase may be made from the other governmental entity or directly from the bidder or contractor.
- (e) Subject to the policies and regulations of the 2012 Finance Committee, "biddable items" means any need of the County where more than one (1) bidder or contractor can provide the material or service. Specifications shall not be written to exclude vendors and contractors or to limit the bidding to a specific vendor or contractor.

- (f) The County shall be liable for the payment of all purchases of supplies, materials, equipment and contractual services made in accordance with the provisions of this act but shall not be liable for the payment of such purchases made contrary to its provisions.
- (g) The purchasing system may use any exclusion from bidding pursuant to any state statute.

SECTION 14. Procedures for Budget Preparation.

- (a) All County budgeting processes, including preparation, shall be integrated into the enterprise resource planning system.
- (b) On or before January 1 of each year, the Budget Committee, in conjunction with the Finance Director, shall prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this act.
- (c) Except for the County Board of Education, each of the other operating departments, institutions, offices and agencies shall file with the Finance Director, on or before March 1 of each year, a detailed estimate of its requirements for expenditures from the County's funds for the ensuing fiscal year, together with an estimate of any County revenues to be received by such agency, office or department.
- (d) The County Board of Education, after preparing its annual budget as now provided by law, shall file such budget with the Finance Director before June 1 for inclusion in the complete budget document to be presented to the Budget Committee.
- (e) The Finance Director, on or before June 30 of each year, shall file a consolidated budget document with the Budget Committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the County government from the County general fund, the debt service funds, the highway funds, the school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered balance of each of the funds at the beginning of the fiscal year. The consolidated budget shall be prepared on the basis of accounting required for fund financial statements by accounting principles generally accepted in the United States of America. The budget, as adopted, shall be balanced as to all funds.
- (f) Such consolidated operating budget document shall comply with provisions of the County Uniform Chart of Accounts and show, by major categories and line items, the amounts requested by the various departments, offices, agencies and nonprofit organizations for their operations during the ensuing fiscal year from the various County funds. The County Finance Director shall include, within the consolidated operating budget, the amounts necessary to pay principal and interest on any indebtedness of the County. The proposed and revised consolidated operating budget document shall show, at a minimum, the following: actual revenues

received during the last audited fiscal year, the actual expenditures during the last audited fiscal year, the actual fund balance in each fund of the County at the end of the last audited fiscal year, the estimated revenues during the current fiscal year, the estimated expenditures during the current fiscal year, the estimated fund balance in each fund of the County at the end of the current fiscal year, the estimated revenues to be received during the ensuing fiscal year, the estimated expenditures during the ensuing fiscal year, and the estimated fund balance in each fund of the County at the end of the ensuing fiscal year.

- (g) The consolidated operating budget document shall:
- (1) Not conflict with requirements of state law for funding of the County Department of Education.
- (2) Not conflict with requirements of state law for funding the Highway Department.
- (3) Not decrease the personnel budget for the sheriff's office from that of the current year without the consent of the sheriff according to Section 8-20-120.
- (4) For the County Election Commission, conform to the requirements of Section 2-12-209.
  - (5) Shall conform to the requirements of Title 8, Chapter 20.
  - (6) Shall fully provide for any court-ordered expenses.
- (h) The Budget Committee shall fully provide in the budget for any fund deficit, other than proprietary funds, at the beginning of the fiscal year.
- (i) The Budget Committee shall fully provide in the budget for any cash overdraft in any of its proprietary funds at the beginning of the fiscal year.
- (j) The Budget Committee shall propose a tentative tax rate to fund the consolidated operating budget.

SECTION 15. Budget Publication and Adoption.

(a) The Finance Director shall cause the proposed operating budget to be printed in a newspaper of general circulation in the County at least ten (10) days before the proposed budget is to be presented to the County Legislative Body for adoption. The budgetary publication shall contain a comparison based on the proposed operating budget for the ensuing fiscal year as required by Section 14, subsection (f) herein. Such comparison shall contain the proposed operating budget, the current year operating budget, and the prior year operating budget. Such publication must encompass, at a minimum, the General Fund, the Highway/Public Works Fund, the General Purpose School Fund, Debt Service Funds, and any other funds budgeted to receive property tax revenues, if any. The budgetary comparison shall also present estimated beginning and estimated ending fund balances and the number of employee positions budgeted. The budgetary comparisons shall be by

individual fund and shall summarize revenues by local taxes, State of Tennessee, federal government and other sources, if any. Expenditures shall be summarized by salaries and other costs. Such publication shall also contain a notice of a public hearing to be conducted by the Budget Committee at which any citizen of the County shall have the right to appear and state such citizen's views on the budget.

- (b) Additionally, the Finance Director shall cause a complete listing of proposed expenditures for each nonprofit organization to be printed in a newspaper of general circulation in the County in conjunction with the summary of the proposed operating budget.
- (c) The Budget Committee shall present the budget to the County Legislative Body.
- (d) With the proposed budget, the Budget Committee shall deliver to the County Legislative Body a budget appropriation resolution and a tax levy resolution.
- (e) The Board of Education has the right to address the County Legislative Body in regard to the board's budget and tax rate proposals.
- (f) The County Legislative Body may alter or revise the proposed budget, with the exception of the school budget which shall be accepted or rejected in total, except as to provision for debt service requirements and for other expenditures required by law.
- (g) On or before October 1 of each year, the County Legislative Body shall adopt an operating budget, a property tax levy with a rate sufficient with other revenues and fund balances to fully fund the operating budget, and an appropriation resolution. All funds from whatever source derived, including, but not limited to, taxes, county aid funds, federal funds, fees and fines, which are to be used in the operation and programs of the various offices, departments, commissions. Institutions, boards and agencies of County government shall be appropriated to such use by the legislative body.
- (h) Before the adoption of the budget, any County department, agency or official shall be entitled to a hearing before the County Legislative Body in order to justify any proposed additional requests or budget estimates.
- (i) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the County Clerk.

## SECTION 16. Continuing Appropriations.

(a) If the budget, tax rate and appropriation resolutions are not adopted by the County Legislative Body on or before twelve o'clock (12:00) midnight on June 30 for the ensuing fiscal year, all departments and offices of the County may make expenditures according to the budget of that department or office as adopted for the preceding fiscal year, except that such departments and offices are limited to expenditures and obligations based on a monthly allotment from the preceding fiscal year's budget.

(b) The allotment from the preceding fiscal year shall not include any major capital items, unless first approved by the County Legislative Body; however, such exclusion shall not preclude emergency purchases.

## SECTION 17. Appropriations.

- (a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such County for the fiscal year covered by the resolution, and no expenditure shall be made or obligation created in excess of such limitation.
- (b) The appropriations made by the County Legislative Body shall constitute authorization for the expenditures contained therein unless otherwise limited by the County Legislative Body.
- (c) Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated by line item.
- (d) The expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the department.

# SECTION 18. Budget Adjustments, Amendments and Impounding.

- (a) The Budget Committee, with the consent of any official, head of any department or division that may be affected, with the exception of the school budget, may make transfers and adjustments within the smallest budgetary itemization of any subdivision.
- (b) The School System shall make transfers and adjustments within the smallest budgetary itemization of any subdivision of the school budget as provided in general law.
- (c) Any other transfers or adjustments shall be submitted to the Budget Committee for its recommendation to the County Legislative Body.
- (d) Any resolution presented to the County Legislative Body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by the County Legislative Body, that provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide, by tax levy, sufficient revenues or designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.

## SECTION 19. County Employees Unaffected.

(a) Notwithstanding any provision of this act, each department, agency or official shall have the authority to hire personnel and set salaries and to determine the needs for its use, all subject to budget limitations and the availability of funds.

(b) The authority of any committee or subcommittee created pursuant to this 2012 Finance Act and the Finance Director shall be limited to the provisions of this act and such policies necessary to implement the provisions of this act. They shall not have the authority to veto the hiring and dismissal of personnel of the various County departments, agencies, or officials or to set salaries or to determine the needs of such departments.

SECTION 20. Education Department - Withdrawal from 2012 Finance Act.

- (a) After full implementation of the 2012 Act, if the Finance Director and the Finance Department, established under this 2012 Finance Act, do not maintain records, follow accounting and budgetary procedures, and submit timely reports and information as prescribed by state law and by the Commissioner of Education; the Commissioner of Education, after a hearing on the issue of such neglect, shall remove the County Education Department from this 2012 Finance Act by written notification to the presiding officer of the County Legislative Body.
- (b) Upon notice from the Commissioner, the County Legislative Body shall transfer sufficient funds from the control of the Finance Department to provide financial services in the County Education Department under the supervision of the School Board, as provided by general law.
- (c) State funds may be withheld for failure to provide adequate funds to transfer the responsibilities to the Education Department.

SECTION 21. Implementation.

- (a) Upon this 2012 Finance Act being approved in accordance with Section 24, the appointment of the members of the committees shall take place within the time set forth by this 2012 Finance Act.
- (b) The Policy Committee shall also develop plans for implementation of the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012." Such implementation shall be completed within four (4) years of adoption of this act by the County Legislative Body.
- (c) After an implementation plan has been developed and approved by the 2012 Finance Committee, a report shall be submitted to the County Legislative Body at the next regularly scheduled meeting.
- (d) The 2012 Finance Committee shall place notice which provides the following:
  - (1) The County has adopted the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012," and all employees, vendors and contractors must abide by its provisions beginning on a date specified in the notice; and
  - (2) The act, or policies to implement the act, will be available on a date specified in the notice and copies may be obtained at that time.

SECTION 22. Suspension of Conflicting Laws.

- (a) When this act is fully implemented, upon the adoption of a resolution, Chapter 113 of the Private Acts of 2002, as amended by Chapter 26 of the Private Acts of 2003, and any other act amendatory thereto or any other private act relative to the operation of County finances, budgeting, and purchasing in conflict with this act are repealed. Upon the adoption of such resolution for the repeal of such acts, the presiding officer of the County Legislative Body shall certify the action to the secretary of state.
- (b) Where any conflict arises between this act and Title 49 or other sections of Tennessee Code Annotated that provide for the duties, responsibilities, and authority of the elected school board members, Title 49 or other sections of Tennessee Code Annotated shall take precedence.

SECTION 23. Public Notice. In addition to any other methods for sales of County-owned property authorized by law, Sumner County having adopted the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012," is authorized to conduct a sale of surplus County-owned property on any Internet auction Web site approved by the County Legislative Body.

SECTION 24. County Approval.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body of Sumner County and certified to the secretary of state.

SECTION 25. Effectiveness. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 24.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3808**, as amended, passed its third and final consideration by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

#### **CALENDAR NO. 1**

Senator Norris moved that **Senate Bill No. 2206** be placed on the Calendar for Thursday, April 26, 2012, which motion prevailed.

**Senate Bill No. 2638** -- Civil Procedure -- As introduced, removes judicial discretion to apportion costs and permits recovery of certain litigation costs by the successful party on motions to dismiss. Amends TCA Title 20; Title 25; Title 27 and Title 29.

Senator Beavers moved to amend as follows:

## **AMENDMENT NO. 1**

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-12-119, is amended by adding the following as a new subsection thereto:

- (c)(1) Notwithstanding subsection (a) or (b), in a civil proceeding, where a trial court grants a motion to dismiss pursuant to Rule 12 of the Tennessee Rules of Civil Procedure for failure to state a claim upon which relief may be granted, the court shall award the party or parties against whom the dismissed claims were pending at the time the successful motion to dismiss was granted the costs and reasonable and necessary attorney's fees incurred in the proceedings as a consequence of the dismissed claims by that party or parties. The awarded costs and fees shall be paid by the party or parties whose claim or claims were dismissed as a result of the granted motion to dismiss.
- (2) Costs shall include all reasonable and necessary litigation costs actually incurred due to the proceedings that resulted from the filing of the dismissed claims, including, but not limited to:
  - (A) Court costs;
  - (B) Attorneys' fees
  - (C) Court reporter fees
  - (D) Interpreter fees; and
  - (E) Guardian ad litem fees;
- (3) An award of costs pursuant to this subsection shall be made only after all appeals of the issue of the granting of the motion to dismiss have been exhausted and if the final outcome is the granting of the motion to dismiss. The award of costs and attorneys' fees pursuant to this section shall be stayed until a final decision which is not subject to appeal is rendered.
- (4) Notwithstanding any other provision of this section, the court shall not require a party to pay costs under this section in excess of a combined total of ten thousand dollars (\$10,000) in any single lawsuit. Where multiple parties are entitled to recover their costs from a single party under this section

and those parties' combined actual costs under this statute exceed ten thousand dollars (\$10,000) then the court shall apportion the awarded costs to the moving parties in proportion to the amount of each moving party's incurred costs unless agreed otherwise by the moving parties. Nothing in this section shall be construed to limit the award of costs as provided for in other sections of the code or at common law.

- (5) This subsection shall not apply to:
- (A) Actions by or against the state, other governmental entities, or public officials acting in their official capacity or under color of law;
- (B) Any claim that is dismissed by the granting of a motion to dismiss that was filed more than sixty (60) days after the moving party received service of the latest complaint, counter-complaint or cross-complaint in which that dismissed claim was made;
- (C) Any claim that the party against whom the motion to dismiss was filed withdrew, or in good faith amended to state a claim upon which relief may be granted; however, this subdivision (C) shall not apply unless a pleading providing notice of the withdrawal or amendment was filed with the court and delivered to the opposing party or parties at least three days before the date set for the hearing of the motion to dismiss or by the deadline for the filing of a response to the motion to dismiss, whichever is earlier. Nothing in this section shall be construed to prevent a party from striking its own motion to dismiss;
- (D) Actions by pro se litigants, except where the court also finds that the pro se party acted unreasonably in bringing, or refusing to voluntarily withdraw, the dismissed claim;
- (E) Any claim which is a good faith, non-frivolous claim filed for the express purpose of extending, modifying, or reversing existing precedent, law or regulation, or for the express purpose of establishing the meaning, lawfulness or constitutionality of a law, regulation or United States or Tennessee constitutional right where the meaning, lawfulness or constitutionality is a matter of first impression that has not been established by precedent in a published opinion by the Tennessee Supreme Court, Court of Appeals, Court of Criminal Appeals, a United States District Court in Tennessee, or by the United States Supreme Court. This subdivision (E) shall not apply unless at the time the successful motion to dismiss was filed the party that made the dismissed claim had specially pleaded in its latest complaint, counter-complaint or cross-complaint that the dismissed claim was made for one of the express purposes listed above and cited the contrary precedent or interpretation the party seeks to distinguish or overcome, or whether the issue to be decided is a matter of first impression as described in this subdivision (E); or

- (F) Any claim for which relief could be granted under a law, a court precedent published by a court described in subdivision (E), or a regulation, that was in effect and applicable to the claim at the time the motion to dismiss was filed; where that law, precedent or regulation was cited in the pleading in which the dismissed claim was made or in the response to the motion to dismiss; and where the motion to dismiss the claim was granted due to the subsequent repeal, amendment, overruling or distinguishing of that law, regulation or published court precedent.
- (6) This section shall not be construed to limit the ability of any court to dismiss a claim or assess costs against a party whose claim has been dismissed, where permitted or required by other law, court rule or at common law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved that **Senate Bill No. 2638**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 3323** -- Abortion -- As introduced, enacts the "Life Defense Act of 2012". Amends TCA Title 37, Chapter 10, Part 3; Title 39, Chapter 15, Part 2 and Title 68.

On motion, Senate Bill No. 3323 was made to conform with House Bill No. 3808.

On motion, House Bill No. 3808, on same subject, was substituted for Senate Bill No. 3323.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Haynes moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION . This act shall take effect July 1, 2013, the public welfare requiring it.

Senator Beavers moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Gresham, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Kyle, Marrero, Massey and Stewart--11.

Senator present and not voting was: Henry--1.

Thereupon, **House Bill No. 3808**, as amended, passed its third and final consideration by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --28.

Senators voting no were: Berke, Harper, Haynes, Kyle and Marrero--5.

A motion to reconsider was tabled.

Senator Kelsey moved that **Senate Bill No. 2705** be moved ten places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2741** -- Child Custody and Support -- As introduced, creates a rebuttable presumption that awarding sole custody, joint legal or joint physical custody or unsupervised visitation to the perpetrator of child abuse or child sexual abuse is not in the best interest of the child. Amends TCA Title 36; Title 39, Chapter 13; Title 39, Chapter 15 and Title 39, Chapter 17.

On motion, Senate Bill No. 2741 was made to conform with House Bill No. 2847.

On motion, House Bill No. 2847, on same subject, was substituted for Senate Bill No. 2741.

Senator Beavers moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(b), is amended by adding the following new language after the first sentence:

The child's parent, pursuant to subdivision (g)(11), shall also have standing to file a petition pursuant to this part or Title 37 to terminate parental or guardianship rights of a person alleged to be a parent or guardian of the child.

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is further amended by adding the following new subdivision to subsection (g):

- (11)(A) The parent has been found to have committed severe child sexual abuse under any prior order of a criminal court. For the purposes of this section, severe child sexual abuse means the parent is convicted of any of the following offenses towards a child:
  - (i) Aggravated rape, pursuant to § 39-13-502;
  - (ii) Aggravated sexual battery, pursuant to § 39-13-504;
  - (iii) Aggravated sexual exploitation of a minor, pursuant to § 39-17-1004;
  - (iv) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005;
    - (v) Incest, pursuant to § 39-15-302;
    - (vi) Rape, pursuant to § 39-13-503; or
    - (vii) Rape of a child, pursuant to § 39-13-522.
- (B) When one (1) of the child's parents has been convicted of one (1) of the offenses specified in subdivision (g)(11)(A), the child's other parent shall have standing to file a petition to terminate the parental rights of the abusive parent. Nothing in this section shall give a parent standing to file a petition to terminate parental rights based on grounds other than those listed in this subdivision (g)(11).
- SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 3. The court shall notify the petitioning parent that the duty of future child support by the parent who is the subject of the termination petition will be forever terminated by entry of an order terminating parental rights.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2847**, as amended, passed its third and final consideration by the following vote:

3935

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Kelsey moved that **Senate Bill No. 2893** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**House Bill No. 3468** -- Child Custody and Support -- As introduced, allows the court, in its discretion, in appropriate cases, to order child support for postsecondary education. Amends TCA Title 34 and Title 36.

Senator Kelsey moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_. This act shall take effect July 1, 2012, the public welfare requiring it, and apply to all divorce cases filed on or after such date.

Senator Kelsey moved that **House Bill No. 3468** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

# FURTHER ACTION ON SENATE BILL NO. 2638, AS AMENDED

Senator Johnson moved that **Senate Bill No. 2638**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

**House Joint Resolution No. 587** -- General Assembly, Statement of Intent or Position -- Recognizes the destructive and insidious nature of United Nations Agenda 21.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, House Joint Resolution No. 587 was concurred in by the following vote:

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Berke, Burks, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--11.

Senators present and not voting were: Barnes, Ford and Kelsey--3.

A motion to reconsider was tabled.

**House Joint Resolution No. 614** -- Memorials, Congress -- Urges Congress to return to more original understanding of the Commerce Clause of the federal Constitution.

**House Joint Resolution No. 614** was concurred in by the following vote:

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Henry, Johnson, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--12.

Senators present and not voting were: Kelsey and Summerville--2.

A motion to reconsider was tabled.

#### **MOTION**

Senator Norris moved that the Message Calendar be considered next, out of order, which motion prevailed.

#### **MOTION**

Senator Faulk moved that Rule 19 and Rule 44 be suspended for the purpose of making and considering the Message Calendar consisting of the following bills: **Senate Bills Nos. 68, 74, 2607, 2727, 2920, 3216, 3241, 3262 and 3358**, which motion prevailed.

#### MESSAGE CALENDAR

# SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 68** -- Emergency Communications Districts -- As introduced, authorizes the provision of emergency medical services by providers in contiguous counties in certain circumstances. Amends TCA Title 5; Title 12, Chapter 9; Title 58, Chapter 8 and Title 68, Chapter 140.

Senator Norris declared Rule 13 on **Senate Bill No. 68**.

# **HOUSE AMENDMENT NO. 1**

AMEND by deleting Section 3 of the amendatory language and by substituting instead the following:

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Overbey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 68**, which motion prevailed by the following vote:

Ayes								33
Noes								0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 74** -- Motor Vehicles -- As introduced, prohibits passengers under the age of five on motorcycles. Amends TCA Section 55-8-164 and Section 55-9-303.

#### **HOUSE AMENDMENT NO. 2**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Overbey moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 74**, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

# **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2607** -- DUI Offenses -- As introduced, increases penalty for violation of DUI statute when child under 18 is in the vehicle to require that the mandatory minimum 30-day sentence for this offense be served consecutive to any sentence received for a violation of specified other alcohol-related offenses. Amends TCA Title 55, Chapter 10, Part 4.

# **HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subdivision (a)(1)(B)(i) and substituting instead the following:

(i) If a person is convicted of a violation of § 55-10-401 and the trier of fact finds that, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by a mandatory minimum period of incarceration of thirty (30) days and a mandatory minimum fine of

one thousand dollars (\$1,000). The incarceration enhancement shall be served in addition to, and at the conclusion of, any period of incarceration received for the violation of § 55-10-401. The fine enhancement shall be in addition to any fine imposed for the violation of § 55-10-401.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Beavers moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2607**, which motion prevailed by the following vote:

Ayes								31
Noes								0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2727** -- Economic and Community Development -- As introduced, requires the state agency responsible for processing applications for grant funds relating to workforce development to accept electronic signatures in the same manner as it accepts physical signatures. Amends TCA Title 4, Chapter 3, Part 14; Title 47, Chapter 10 and Title 50.

# **HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1405, is amended by adding the following language as a new subsection thereto:

(j) To the extent permitted by any federal law or rule, regulation, guideline, or advisory opinion of the internal revenue service, the department shall accept and process any IRS Form 8850, or any successor to such form, that is submitted with electronic signatures in the same manner as the department accepts such forms when submitted with physical signatures if such form is submitted to the department by mail, facsimile, or e-mail copy. For purposes of this subsection (j), "electronic signatures" includes a physical printout of an electronically signed IRS Form 8850 indicating that the signature field is "signed electronically".

SECTION 2. This act shall take effect January 1, 2013, the public welfare requiring it.

Senator Kelsey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2727**, which motion prevailed by the following vote:

3939

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2920** -- Jails, Local Lock-ups -- As introduced, directs the board of the Tennessee corrections institute to establish criteria for determining whether to waive the minimum qualification standards to employ a jail administrator, workhouse administrator, jailer, corrections officer or guard in county jail or workhouse; and prohibits waivers for employees dishonorably discharged from the military, suffering from mental illness, convicted of domestic assault or any felony conviction. Amends TCA Section 41-7-106.

# **HOUSE AMENDMENT NO. 1**

AMEND by deleting from Section 1(g) of the printed bill the language "After July 1, 2012, the board" and by substituting instead the following:

The board

Senator Overbey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2920**, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 3216** -- Pensions and Retirement Benefits -- As introduced, revises provisions governing credit for prior service for persons participating in TCRS as employees of participating local government units. Amends TCA Title 8, Chapter 25, Part 1; Title 8, Chapter 35; Title 8, Chapter 35; Title 8, Chapter 37.

# **HOUSE AMENDMENT NO. 2**

AMEND by deleting the language "convicted of a felony or is otherwise" from Section 1, § 8-35-2\_(e)(4).

Senator McNally moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3216**, which motion prevailed by the following vote:

Ayes								31
Noes								0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 3241** -- Unemployment Compensation -- As introduced, makes ineligible for benefits those claimants who were discharged after having agreed in writing to obtain a license or certification by a specified date and then have failed to do so. Amends TCA Title 50, Chapter 7.

#### **HOUSE AMENDMENT NO. 1**

AMEND by deleting Section 1 in its entirety and by substituting instead the following:

- SECTION 1. Tennessee Code Annotated, Section 50-7-303(a)(2), is amended by adding the following as a new subdivision (2)(C):
  - (C) A discharge shall be deemed to be a discharge for misconduct connected with the claimant's work when it results after a claimant entered into a written agreement with an employer to obtain a license or certification by a specified date as a condition of employment and subsequently the claimant willfully fails without good cause to obtain such license or certification by the specified date.

Senator Barnes moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3241**, which motion prevailed by the following vote:

Ayes								30
Noes								1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

# SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 3262** -- Pensions and Retirement Benefits -- As introduced, adds within a statute governing the investments of TCRS a citation to the statutory provision creating the council on pensions and insurance. Amends TCA Section 8-37-104(a)(10)(A).

# **HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-37-104(a)(10)(A)(i), is amended by deleting the second, third and fourth sentences thereof and by substituting instead the following:

Private equity investments may include, but shall not be limited to, strategic lending, domestic and international venture capital, corporate buyouts, mezzanine and distressed debt, special situations and secondary funds. Private equity investment vehicles may include, but are not limited to, limited partnerships, private placements, co-investments, funds-of-funds and commingled funds. No investment may be acquired that would, at the time of the acquisition, cause the aggregate book value of all of the retirement system's holdings and investments in private equity to exceed more than ten percent (10%) of the market value of the total assets of the retirement system. The authority granted under this subdivision to make strategic lending investments shall expire on December 31, 2017; however, such expiration shall not affect commitments to invest in strategic lending entered into prior to December 31, 2017, nor shall it affect investments made subsequent to December 31, 2017, pursuant to those commitments.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3262**, which motion prevailed by the following vote:

Ayes								31
Noes								0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 3358** -- Alcoholic Beverage Commission -- As introduced, clarifies existing law in relation to the manner in which license fees are assessed by the commission for limited service restaurants, the timing of promulgating rules, the assessment of fines in certain circumstances, the regulation of tastings by retail licensees and the regulation of certain controlled substances. Amends TCA Title 57.

#### **HOUSE AMENDMENT NO. 2**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_. Tennessee Code Annotated, Section 57-4-102(8)(A), is amended by adding the following language prior to the last sentence of the subdivision:

The premises, as provided in § 57-4-101(a)(2) for a club, shall also include the golf course, tennis courts and the area immediately surrounding the swimming pool, if a club offers such amenities.

Senator Ketron moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3358**, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Berke, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Summerville, Tate and Mr. Speaker Ramsey--22.

Senators voting no were: Bell, Burks, Campfield, Finney, Herron, Southerland and Stewart --7.

A motion to reconsider was tabled.

#### **HOUSE AMENDMENT NO. 3**

AMEND by deleting the language "including with the applicant a business plan" in subdivision (E)(i) in Section 1 and by substituting instead the language "including with the application a business plan".

Senator Ketron moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3358**, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Berke, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--23.

Senators voting no were: Beavers, Bell, Burks, Campfield, Finney, Herron, Southerland and Stewart--8.

A motion to reconsider was tabled.

#### NOTICE

# APPOINTMENT OF SELECT COMMITTEE CONFERENCE COMMITTEE ON HOUSE BILL NO. 1105

The Speaker announced the appointment of a Conference Committee composed of Senators Gresham, Chairperson; Tate and Norris to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1105.

# **RECESS**

Senator Norris moved the Senate stand in recess until 6:30 p.m., which motion prevailed.

# **CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

# **ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

# **RECESS**

Mr. Speaker Ramsey moved the Senate stand in recess until 7:30 p.m., which motion prevailed.

# **CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

# **ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

# **MOTION**

Senator Kyle moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 907**, out of order, which motion prevailed.

# **INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 907** by Senator Kyle. Memorials, Retirement -- Glen Page.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, Senate Joint Resolution No. 907 was adopted by the following vote:

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

# CALENDAR NO. 1

**Senate Bill No. 2705** -- Judgments -- As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. Amends TCA Title 47.

Senator Overbey declared Rule 13 on Senate Bill No. 2705.

Senator Faulk declared Rule 13 on Senate Bill No. 2705.

Senator Berke declared Rule 13 on Senate Bill No. 2705.

On motion, Senate Bill No. 2705 was made to conform with House Bill No. 2982.

On motion, House Bill No. 2982, on same subject, was substituted for Senate Bill No. 2705.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Kelsey moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-14-121, is amended by deleting the section in its entirety and by substituting instead the following:

47-14-121.

- (a) Except as set forth in subsections (c) and (e), interest on judgments and decrees entered by any court, except general sessions courts and municipal courts, per annum, shall:
  - (1) For any judgment entered between July 1 and December 31, be equal to two percent (2%) less than the formula rate per annum published by the Commissioner of Financial Institutions, as required by § 47-14-105, for June of the same year; or
  - (2) For any judgment entered between January 1 and June 30, be equal to two percent (2%) less than the formula rate per annum published by the Commissioner of Financial Institutions, as required by § 47-14-105, for December of the prior year.
- (b) To assist parties and the courts in determining and applying the interest rate on judgments set forth in subsection (a) for the six-month period in which a judgment is entered, before or at the beginning of each six-month period the administrative office of the courts:

- (1) Shall calculate the interest rate on judgments that shall apply for the new six-month period pursuant to subsection (a);
- (2) Shall publish that rate on the administrative office of the courts' Web site; and
- (3) Shall maintain and publish on that Web site the judgment interest rates for each prior six-month period going back to the rate in effect for the six-month period beginning July 1, 2012.
- (c) Notwithstanding subsection (a) or (b), where a judgment is based on a statute, note, contract, or other writing that fixes a rate of interest within the limits provided in § 47-14-103 for particular categories of creditors, lenders or transactions, the judgment shall bear interest at the rate so fixed.
- (d) The party seeking interest on a judgment shall propose to the opposing party and court the applicable rate of interest. If the parties agree that the rate as proposed is correct, the court shall apply the proposed rate. If a dispute exists as to the applicable rate, the court shall determine and order the applicable rate.
- (e) Interest on judgments, including decrees, entered by general sessions courts and municipal courts, shall be computed at the effective rate of ten percent (10%) per annum, except as may be otherwise provided or permitted by statute. However, where a judgment is based on a note, contract, or other writing fixing a rate of interest within the limits provided in § 47-14-103 for particular categories of creditors, lenders, or transactions, the judgment shall bear interest at the rate so fixed.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it and shall apply to all judgments entered on or after the effective date.

On motion, Amendment No. 2 was adopted by the following vote:

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Haynes, Johnson, Kelsey, Massey, McNally, Overbey, Roberts, Southerland, Summerville, Watson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Berke, Burks, Finney, Harper, Herron, Kyle, Marrero, Stewart and Tate--9.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Kelsey moved that **House Bill No. 2982**, as amended, be placed at the heel of Calendar No. 1 for today, which motion prevailed.

# **FURTHER ACTION ON HOUSE BILL NO. 3468**

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Senator Kelsey moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_. This act shall take effect July 1, 2012, the public welfare requiring it, and apply to all original orders for child support entered on or after such date.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3468**, as amended, failed for lack of a constitutional majority by the following vote:

Senators voting aye were: Burks, Herron, Johnson, Kelsey, Massey, McNally and Summerville--7.

Senators voting no were: Beavers, Berke, Campfield, Crowe, Faulk, Finney, Harper, Haynes, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey--19.

Senator present and not voting was: Yager--1.

In accordance with Article II, Section 19 of the Constitution of the State of Tennessee and pursuant to Senate Rule No. 62, **House Bill No. 3468**, as amended, is rejected.

#### **MOTION**

Senator Norris moved that Rule 39 be suspended for the purpose of allowing amendments to the Appropriations Bill and budget related bills filed by 9:30 a.m., Wednesday, April 25, 2012, be considered timely filed, which motion prevailed.

#### **MOTION**

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 68 and 2607**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 2777**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 3094**; and **House Joint Resolution No. 623**.

On motion of Senators Bell, Faulk, Overbey and Southerland, their names were added as sponsors of **Senate Bill No. 3762**.

On motion of Senators Bell and Faulk, their names were added as sponsors of **Senate Bill No. 3763**.

On motion of Senator Tate, his name was added as sponsor of **Senate Joint Resolution No. 858**.

# **ENGROSSED BILLS**

April 24, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bill No. 3808, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON, Deputy Chief Clerk.

# **ENGROSSED BILLS**

April 24, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 907, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON, Deputy Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1959, passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2641, passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2962 and 3208, passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2982, passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3051, passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3124, passed by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3870, passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 936, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053 and 1054; adopted, for the Senate's action.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to notify the Senate that House Resolutions Nos. 283 and 284 were adopted by over a two-thirds majority vote.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 668, 2911, 3023, 3096 and 3629; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2190, 3044, 3642, 3644 and 3652; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2224, substituted for House Bill on same subject and passed by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2271, substituted for House Bill on same subject and passed by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2416 and 3700, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 360 and 629, concurred in by the House.

JOE MCCORD, Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 777, 781, 782, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 878 and 886; concurred in by the House.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to request the return of Senate Joint Resolution No. 878, for further consideration.

JOE MCCORD, Chief Clerk.

# **ENROLLED BILLS**

April 24, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 568, 569, 578 and 872; and Senate Resolutions Nos. 98, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 and 121; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON, Deputy Chief Clerk.

# **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 587 and 614, for the signature of the Speaker.

JOE MCCORD, Chief Clerk.

#### **MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 636, 773, 783, 824, 843, 847, 914, 915, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 952, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 981, 982, 983, 984, 986 and 987; for the signature of the Speaker.

JOE MCCORD, Chief Clerk.

#### **SIGNED**

April 24, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2591, 2784, 2871, 2912, 3003, 3174, 3217, 3222, 3233, 3269, 3403 and 3751; and House Bills Nos. 1069, 2161, 2222, 2403, 2459, 2537, 2620, 2650, 2671, 2744, 2750, 2752, 2823, 2859, 2890, 2895, 2913, 3237, 3257, 3274, 3283, 3398 and 3633.

#### SIGNED

April 24, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 568, 569, 578 and 872; and Senate Resolutions Nos. 98, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 and 121.

#### SIGNED

April 24, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 587 and 614.

#### **SIGNED**

April 24, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 636, 773, 783, 824, 843, 847, 914, 915, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 952, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 981, 982, 983, 984, 986 and 987.

#### MESSAGE FROM THE HOUSE

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 568, 569, 578 and 872; signed by the Speaker.

JOE MCCORD, Chief Clerk.

# REPORT OF DEPUTY CHIEF CLERK

April 24, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 567, 751, 752, 753, 754, 755, 756, 757, 758, 761, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774 and 775; for his action.

ALAN WHITTINGTON, Deputy Chief Clerk.

# **ADJOURNMENT**

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, April 25, 2012, which motion prevailed.